

111TH CONGRESS
1ST SESSION

S. 1748

To establish a program of research, recovery, and other activities to provide
for the recovery of the southern sea otter.

IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 2009

Mrs. BOXER introduced the following bill; which was read twice and referred
to the Committee on Commerce, Science, and Transportation

A BILL

To establish a program of research, recovery, and other
activities to provide for the recovery of the southern
sea otter.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Southern Sea Otter
5 Recovery and Research Act”.

6 **SEC. 2. SOUTHERN SEA OTTER RECOVERY AND RESEARCH**
7 **PROGRAM.**

8 (a) IN GENERAL.—The Secretary of the Interior, act-
9 ing through the United States Fish and Wildlife Service
10 and the United States Geological Survey, shall carry out

1 a recovery and research program for southern sea otter
2 populations along the coast of California, informed by the
3 prioritized research recommendations of the Final Revised
4 Recovery Plan for the southern sea otter (*Enhydra lutris*
5 *neréis*) published by the United States Fish and Wildlife
6 Service and dated February 24, 2003, the Research Plan
7 for California Sea Otter Recovery issued by the United
8 States Fish and Wildlife Service Southern Sea Otter Re-
9 covery Implementation Team and dated March 2, 2007,
10 and any other recovery, research, or conservation plan
11 adopted by the United States Fish and Wildlife Service
12 after the date of enactment of this Act in accordance with
13 otherwise applicable law. The Recovery and Research Pro-
14 gram shall include the following:

15 (1) Monitoring, analysis, and assessment of
16 southern sea otter population demographics, health,
17 causes of mortality, and life history parameters, in-
18 cluding range-wide population surveys.

19 (2) Development and implementation of meas-
20 ures to reduce or eliminate potential factors limiting
21 southern sea otter populations that are related to
22 marine ecosystem health or human activities.

23 (b) REAPPOINTMENT OF RECOVERY IMPLEMENTA-
24 TION TEAM.—Not later than one year after the date of
25 enactment of this Act, the Secretary shall appoint persons

1 to a southern sea otter recovery implementation team as
 2 authorized under section 4(f)(2) of the Endangered Spe-
 3 cies Act of 1973 (16 U.S.C. 1533(f)(2)).

4 (c) SOUTHERN SEA OTTER RESEARCH AND RECOV-
 5 ERY GRANTS.—

6 (1) GRANT AUTHORITY.—The Secretary shall
 7 establish a peer-reviewed, merit-based process to
 8 award competitive grants for research regarding
 9 southern sea otters and for projects assisting the re-
 10 covery of southern sea otter populations.

11 (2) PEER REVIEW PANEL.—The Secretary shall
 12 establish as necessary a peer review panel to provide
 13 scientific advice and guidance to prioritize proposals
 14 for grants under this subsection.

15 (3) RESEARCH GRANT SUBJECTS.—Research
 16 funded with grants under this subsection shall be in
 17 accordance with the research recommendations of
 18 any plan referred to in subsection (a), and may in-
 19 clude the following topics:

20 (A) Causes of sea otter mortality.

21 (B) Southern sea otter demographics and
 22 natural history.

23 (C) Effects and sources of pollutants, nu-
 24 trients, and toxicants on southern sea otters
 25 and sequestration of contaminants.

1 (D) Effects and sources of infectious dis-
 2 eases and parasites affecting southern sea ot-
 3 ters.

4 (E) Limitations on the availability of food
 5 resources for southern sea otters and the im-
 6 pacts of food limitation on southern sea otter
 7 carrying capacity.

8 (F) Interactions between southern sea ot-
 9 ters and coastal fisheries and other human ac-
 10 tivities in the marine environment.

11 (G) Assessment of the keystone ecological
 12 role of sea otters in southern and central Cali-
 13 fornia's coastal marine ecosystems, including
 14 both the direct and indirect effects of sea otter
 15 predation, especially as these effects influence
 16 human welfare, resource utilization, and eco-
 17 system services.

18 (H) Assessment of the adequacy of emer-
 19 gency response and contingency plans.

20 (4) RECOVERY PROJECT SUBJECTS.—Recovery
 21 projects funded with grants under this subsection
 22 shall be conducted in accordance with recovery rec-
 23 ommendations of any plan referred to in subsection
 24 (a), and may include projects to—

1 (A) protect and recover southern sea ot-
2 ters;

3 (B) reduce, mitigate, or eliminate potential
4 factors limiting southern sea otter populations
5 that are related to human activities, including
6 projects to—

7 (i) reduce, mitigate, or eliminate fac-
8 tors contributing to mortality, adversely af-
9 fecting health, or restricting distribution
10 and abundance; and

11 (ii) reduce, mitigate, or eliminate fac-
12 tors that harm or reduce the quality of
13 southern sea otter habitat or the health of
14 coastal marine ecosystems; and

15 (C) implement emergency response and
16 contingency plans.

17 (d) REPORT.—The Secretary shall—

18 (1) within 12 months after the date of enact-
19 ment of this Act, report to Congress on—

20 (A) the status of southern sea otter popu-
21 lations;

22 (B) implementation of the Recovery and
23 Research Program and the grant program; and

24 (C) any relevant formal consultations con-
25 ducted under section 7 of the Endangered Spe-

1 cies Act of 1973 (16 U.S.C. 1536) with respect
2 to the southern sea otter; and

3 (2) within 24 months after the date of enact-
4 ment of this Act and every 5 years thereafter, and
5 in consultation with a southern sea otter recovery
6 implementation team (if any) that is otherwise being
7 utilized by the Secretary under section 4(f) of the
8 Endangered Species Act of 1973 (16 U.S.C.
9 1533(f)), report to Congress and the public on—

10 (A) an evaluation of southern sea otter
11 health, causes of southern sea otter mortality,
12 and the interactions of southern sea otters with
13 California’s coastal marine ecosystems;

14 (B) an evaluation of actions taken to im-
15 prove southern sea otter health, reduce south-
16 ern sea otter mortality, and improve southern
17 sea otter habitat;

18 (C) recommendation for actions, pursuant
19 to current law, to improve southern sea otter
20 health, reduce the occurrence of human-related
21 mortality, and improve the health of such coast-
22 al marine ecosystems; and

23 (D) recommendations for funding to carry
24 out this Act.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) RECOVERY AND RESEARCH PROGRAM.—The
4 term “Recovery and Research Program” means the
5 recovery and research program under section 2(a).

6 (2) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior, acting through the
8 United States Fish and Wildlife Service and the
9 United States Geological Survey.

10 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—There is authorized to be appro-
12 priated to the Secretary to carry out this Act \$5,000,000
13 for each of fiscal years 2010 through 2015 of which—

14 (1) no less than 30 percent shall be for research
15 grants under section 2(c)(3); and

16 (2) no less than 30 percent shall be for recovery
17 projects under section 2(c)(4).

18 (b) ADMINISTRATIVE EXPENSES.—Of amounts avail-
19 able each fiscal year to carry out this Act, the Secretary
20 may expend not more than 7 percent to pay the adminis-
21 trative expenses necessary to carry out this Act.

22 **SEC. 5. TERMINATION.**

23 This Act shall have no force or effect on and after
24 the date the Secretary (as that term is used in section
25 4(c)(2) of the Endangered Species Act of 1973 (16 U.S.C.
26 1533(c)(2)) publishes a determination that the southern

- 1 sea otter should be removed from the lists published under
- 2 section 4(c) of the Endangered Species Act of 1973 (16
- 3 U.S.C. 1533(c)).

